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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,105	12/23/2003	Christoph Nolscher	0928.0016C	8012
27896	7590	01/17/2007	EXAMINER	
EDELL, SHAPIRO & FINNAN, LLC			CHACKO DAVIS, DABORAH	
1901 RESEARCH BOULEVARD				
SUITE 400			ART UNIT	PAPER NUMBER
ROCKVILLE, MD 20850			1756	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/17/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/743,105	NOLSCHER, CHRISTOPH
	Examiner Daborah Chacko-Davis	Art Unit 1756

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 23 December 2003.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-16 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-7 and 13-16 is/are rejected.

7) Claim(s) 8-12 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 12/03/04/04.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-7, and 13-16, are rejected under 35 U.S.C. 102(e) as being anticipated by U. S. Patent No. 6,573,027 (Imai).

Imai, in the abstract, in col 3, lines 18-67, in col 4, lines 1-8, and lines 63-67, discloses a method of forming a pattern (structure element) on a wafer by forming a hard mask layer on the wafer, forming a first photoresist layer (first photoresist film) on the hard mask layer and exposing the photoresist film to a first mask i.e., a phase shift mask (forming the first elevated pattern image on the hard mask layer by a phase jump, the phase shift mask comprising a phase shifter section formed on a transparent substrate i.e., phase shifter adjoined by two transparent regions), and developing the exposed first photoresist layer to form a first photoresist pattern, followed by etching the hard mask layer using the first photoresist pattern as a mask thereby transferring the first resist pattern onto the hardmask layer to form a hard mask pattern, stripping the first photoresist pattern, forming a second photoresist film on the hard mask pattern (elevated structure element in the layer below), and performing a second exposure on

the second photoresist film using a second mask, developing the exposed second photoresist film to form a second resist pattern that only covers part of the hard mask pattern such that a non-required portion of the hard mask pattern is exposed through the opening in the second resist pattern, and performing an etching process so as to transfer the second resist pattern onto the hard mask material pattern such that the etching process removes the partial region of the first hard mask pattern is etched (non-required portion, portion not masked by the second resist pattern) (claims 1, 2, and 7). Imai, in col 5, lines 1-9, discloses that the mask used for the claimed exposure can be a chrome mask (claim 3). Imai, in col 6, lines 13-18, discloses that the elevated structure element (hard mask pattern transferred to the underlying layer via etching, layer beneath the resist film) can be an electrically conductive material such as polysilicon (claim 4). Imai, in col 6, lines 32-67, in col 7, lines 1-20, in figures 2, and 6, discloses that the first pattern is projected onto the hard mask layer to form a elevated metal structures such as interconnects that are parallel, and that etching the underlying layer using the second resist pattern as the mask results in more than one structural element (see figure 3) (claims 5-6, and 13-16).

#### ***Allowable Subject Matter***

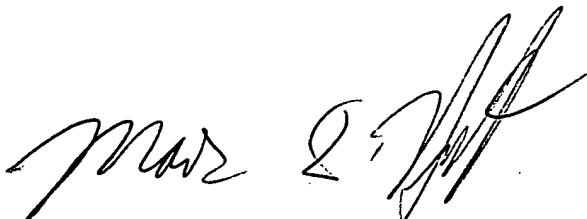
3. Claims 8-12, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daborah Chacko-Davis whose telephone number is (571) 272-1380. The examiner can normally be reached on M-F 9:30 - 6:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark F Huff can be reached on (571) 272-1385. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

dcd

January 2, 2007.



MARK F. HUFF  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700